

1 includes an attached certification. I ask that that be
2 marked as Ferguson Exhibit Number 3.

3 (Whereupon, the document was
4 identified as Ferguson Exhibit
5 Number 3 for identification.)

6 BY MR. MONAHAN:

7 Q Ms. Ferguson, is that your direct testimony
8 with regard to diversification of your application in
9 this case?

10 A Yes, it is.

11 Q Are statements made therein true and correct?

12 A Yes, they are.

13 MR. MONAHAN: Your Honor, Ferguson moves at
14 this time for the admission of its Exhibit Number 3.

15 JUDGE LUTON: Objections?

16 MR. FRIEDMAN: Your Honor.

17 JUDGE LUTON: Yes.

18 MR. FRIEDMAN: I have two points. Initially
19 there are some legal conclusions made in the third
20 paragraph of the Diversification Statement first page
21 which I think are beyond the scope of her testimony and
22 involve the interpretation of a legal document which
23 speaks for itself.

24 MR. ALPERT: I join in that objection, Your
25 Honor.

1 MR. FRIEDMAN: In particular, Your Honor, I
2 refer to the first sentence of the third paragraph. In
3 the second sentence all the statements following the
4 comma after May, 1985, as well as the final sentence.

5 MR. ALPERT: Again, Your Honor. I fully join
6 in those objections.

7 JUDGE LUTON: So much for the paragraph that
8 states "which specifically exclude any right to claim
9 any interest therein." and then the final sentence. Is
10 that what's objected to?

11 MR. FRIEDMAN: As well as the first sentence,
12 Your Honor.

13 MR. ALPERT: Your Honor, may I be heard?

14 JUDGE LUTON: You say the first sentence
15 states a legal conclusion?

16 MR. FRIEDMAN: That she has no claim, right or
17 interest in the ownership held by her husband.

18 JUDGE LUTON: Why aren't these factual
19 statements? Why isn't it proper to view them that way
20 as opposed to being some sort of exotic legal
21 conclusion?

22 MR. FRIEDMAN: Because I don't think that the
23 document says that.

24 JUDGE LUTON: Prior to any reference to the
25 document this witness makes a statement that she has no

1 interest and would that be true absent the document? Is
2 the document the basis for that statement, that
3 assertion?

4 MR. FRIEDMAN: I think I can probably raise
5 some question as to the predicate. Your Honor, I think
6 first of all even without the document I would raise a
7 question as to where the predicate is for this and then
8 having the document serving as the predicate I think
9 this is a conclusion that should not be reached except
10 by virtue of looking at the document itself.

11 JUDGE LUTON: Which we're going to do.

12 MR. FRIEDMAN: Which we're going to do, and I
13 think the document should speak for itself on that
14 point.

15 JUDGE LUTON: The document will speak no
16 matter what the witness has to say and adverse parties
17 will have every opportunity to cross examine about what
18 they think the document means. Also, to examine
19 concerning whether or not the assertion made here,
20 presumably on the basis of the document, that Ms.
21 Ferguson has no claim, right, title and interest, etc.
22 is true or false. I really don't see what the problem
23 is.

24 MR. FRIEDMAN: I think because it's
25 conclusory, Your Honor.

1 JUDGE LUTON: And therefore true?

2 MR. FRIEDMAN: Well, I think that we shouldn't
3 have conclusions in the testimony, we should have facts.
4 There may be a document that speaks to her interests,
5 but I don't think we should have a statement that
6 concludes that she has none.

7 JUDGE LUTON: How does one make the assertion
8 on the stand that here she does not have any interest in
9 a particular piece of property or a set of properties?
10 How does one make the assertion without asserting it in
11 conclusory fashion if you call this conclusory and I
12 suppose in a sense it is. But how does one say that
13 without going into that objection that it's conclusory?
14 Sure, it's conclusory. That's why we have cross
15 examination. That's one of the reasons. To show that
16 the conclusion is correct, ill-founded or something,
17 incorrect.

18 MR. ALPERT: Well, it seems to me, Your Honor,
19 if I may be heard unless this is some evidence that she
20 has a belief that she has no claim, right, title or
21 interest --

22 JUDGE LUTON: Of course it is. What else
23 could it possibly be? It's the witness's testimony.

24 MR. ALPERT: Well, I just would feel it would
25 be unfortunate if somebody would be able to cite to this

1 language in their findings when the fact that she says
2 it does not establish anything whatsoever. The document
3 or a ruling or a citation of law or something that would
4 be the thing which conveys the rights, not the fact that
5 she says it in her direct testimony. She could say
6 she's president of the United States but that doesn't
7 make it any more true than if there is some document
8 which establishes it I think is the point that's being
9 made. I would have no objection to it saying Ms.
10 Ferguson believes she has no right, claim, title or
11 interest to the ownership, but I think this thing goes a
12 little bit further than that.

13 JUDGE LUTON: Let's call this a conclusion for
14 a moment. The testimony is offered by Ms. Ferguson.
15 Doesn't it already say exactly what you say that you
16 would not object to if indeed it did say that? Ms.
17 Ferguson believes that she has no claim. She's giving
18 the testimony. It simply doesn't drop out of the sky as
19 some sort of assertion unrelated to the person giving
20 it. It's obviously what Ms. Ferguson believes to be the
21 case. It's her testimony, isn't it?

22 MR. FRIEDMAN: Your Honor, I'll withdraw my
23 objection to that.

24 JUDGE LUTON: It's her testimony. This is Ms.
25 Ferguson speaking. I think.

1 MR. MONAHAN: I hope so, Your Honor.

2 MR. ALPERT: I also withdraw the objection,
3 Your Honor.

4 MR. FRIEDMAN: Your Honor, we were just
5 dealing with that first sentence. We raised objections
6 to further pieces of that paragraph.

7 JUDGE LUTON: State them again for me.

8 MR. FRIEDMAN: Certainly. After the words
9 "May, 1985". This is again her statement dealing with
10 what the antenuptial agreement did. The agreement does
11 what it does and that should be the document we look to
12 as to the conclusion.

13 JUDGE LUTON: That's unnecessary. I'm going
14 to strike that. After "May, 1985" to the end. And if
15 it should turn out that the document specifically
16 excludes her right to claim any interest therein,
17 that'll come out on examination somewhere and become a
18 part of the record.

19 MR. FRIEDMAN: I understand that, Your Honor.
20 Again that same matter relates to the next sentence as
21 to how this document operates.

22 JUDGE LUTON: What you're giving me here is
23 the benefit of your reading of the antenuptial
24 agreement. I don't have any reason to question it. I
25 haven't read it quite frankly. Presumably the view

1 you're taking is that it's the antenuptial agreement
2 which is the basis for the claim by Ms. Ferguson that in
3 the event of the death of David M. Capps, KSRV stock
4 will be placed into a trust. It's the antenuptial
5 agreement which provides for that.

6 MR. FRIEDMAN: That's correct, Your Honor.

7 JUDGE LUTON: And which you think is the basis
8 for this witness's testimony to that effect.

9 MR. FRIEDMAN: That's correct, Your Honor.

10 MR. MONAHAN: Your Honor, if I may be heard, I
11 don't want to leave a misimpression on the record. I'm
12 not sure the antenuptial agreement specifically deals
13 with the trust.

14 JUDGE LUTON: I'm not either. That's what I'm
15 asking here. I'm getting the benefit of Mr. Friedman's
16 reading of the antenuptial agreement as I said at the
17 outset.

18 MR. FRIEDMAN: I withdraw the objection.

19 JUDGE LUTON: It may be well for the parties
20 who want to tie this down to ask the witness. She's
21 offered the antenuptial agreement. Ask her to state for
22 us the basis of her belief that such and such should be
23 the case and if she says it's the antenuptial agreement,
24 ask her to point to the place in the antenuptial
25 agreement where she believes the agreement has that in

1 fact. In doing this, the witness is not rewriting the
2 agreement. The agreement does speak for itself pretty
3 much but not entirely.

4 Where are we?

5 MR. FRIEDMAN: I'm withdrawing the objection,
6 Your Honor.

7 JUDGE LUTON: All right. Any other objection?

8 MR. FRIEDMAN: Your Honor, I'd like to refer
9 you to the antenuptial agreement itself and a concern I
10 have in that in paragraph C of the recitals under
11 section 1 there is a reference to a schedule B. The
12 document I received in the exchange did not have a
13 schedule B and I'm concerned that I've gotten a full
14 document or that a full document is being put in the
15 record here.

16 JUDGE LUTON: Let me catch up. I don't have a
17 copy here.

18 MR. MONAHAN: We haven't identified that one
19 yet for the record. We'll get into that when we
20 introduce it.

21 MR. FRIEDMAN: I thought that was part of it.

22 MR. MONAHAN: That's Exhibit Number 4.

23 MR. FRIEDMAN: Oh, I'm sorry.

24 JUDGE LUTON: 3 is received.

25 (Whereupon, the document marked

1 as Ferguson Exhibit Number 3 was
2 received in evidence.)

3 (Whereupon, the document was
4 identified as Ferguson Exhibit
5 Number 4 for identification.)

6 BY MR. MONAHAN:

7 Q Ms. Ferguson, turning to your next exhibit,
8 Ferguson Exhibit Number 4 which is the antenuptial
9 agreement between yourself and David N. Capps. That's a
10 document which consists of a cover sheet and I believe
11 17 pages. Do you have that document in front of you,
12 Ms. Ferguson?

13 A Yes, I do.

14 Q Picking up on Mr. Friedman's concern about the
15 recital C where it makes reference to property schedules
16 of yourself and your husband. Mr. Friedman has
17 rightfully observed that schedule B is not attached to
18 that document. Could you explain why schedule B is
19 missing from that document?

20 A I was made aware of it on Friday; however, the
21 information that was in schedule B, if you would like I
22 will briefly tell you, does not propose any real
23 property other than personal and household furnishings
24 and an automobile and entitlements to family interests
25 of mine. As far as the information was concerned about

1 David's interests, that was what I believe you were
2 interested in anyway.

3 MR. MONAHAN: If I may just ask a few
4 questions in the way of voir dire, Your Honor, maybe we
5 can clear up some of the problems with this document.

6 VOIR DIRE

7 BY MR. MONAHAN:

8 Q Do you recall whether there was anything else
9 listed on that exhibit B that's referenced here in the
10 antenuptial agreement?

11 A Well, my bank accounts.

12 MR. MONAHAN: Your Honor, this came to our
13 attention on Friday. Calls were made to see if this
14 document can be located. We will attempt to find it,
15 but in the mean time this is the agreement as we have it
16 right now. A question for Ms. Ferguson.

17 BY MR. MONAHAN:

18 Q Ms. Ferguson, do you recall if such a schedule
19 B was prepared?

20 A I believe it was, yes.

21 MR. MONAHAN: I have no further voir dire
22 questions for Ms. Ferguson.

23 MR. FRIEDMAN: May I ask a question, Your
24 Honor, as voir dire?

25 VOIR DIRE

1 BY MR. FRIEDMAN:

2 Q Ms. Ferguson, this document was executed on
3 May 30, 1985, is that correct?

4 A That's correct.

5 Q To the best of your knowledge, at the time you
6 executed the document was there a schedule B attached to
7 it?

8 A Yes.

9 MR. FRIEDMAN: Fine, thank you, Your Honor.

10 MR. MONAHAN: Your Honor, Ferguson would move
11 that Exhibit Number 4, the antenuptial agreement between
12 Clare Marie Ferguson and David N. Capps, be admitted
13 into evidence.

14 JUDGE LUTON: Do Radio Representatives and
15 Bott want schedule B?

16 MR. FRIEDMAN: We do, Your Honor.

17 JUDGE LUTON: Sure, I think so. That ought to
18 be produced when it's found.

19 MR. MONAHAN: Your Honor, we'll make an effort
20 to see if we can't get it fed x'd to us for tomorrow's
21 mail and I'll provide it to counsel.

22 JUDGE LUTON: All right. Any objections to
23 the antenuptial agreement?

24 MR. FRIEDMAN: No.

25 JUDGE LUTON: It's received.

1 (Whereupon, the document marked
2 as Ferguson Exhibit Number 4 was
3 received in evidence.)

4 MR. MONAHAN: Just for purposes of continuity
5 in the record, Ferguson asks that Exhibit Number 5
6 entitled Site Availability and Air Hazard Issues be
7 marked for identification but we do not wish to have it
8 entered into evidence at this time.

9 JUDGE LUTON: All right. It'll be marked.
10 (Whereupon, the document was
11 identified as Ferguson Exhibit
12 Number 5 for identification.)

13 MR. MONAHAN: Similarly, Ferguson would ask
14 that Exhibit Number 6 relating to a BLM application for
15 site approval and attached materials be marked for
16 identification as Ferguson Exhibit Number 6.

17 (Whereupon, the document was
18 identified as Ferguson Exhibit
19 Number 6 for identification.)

20 MR. MONAHAN: And similarly we ask that
21 Ferguson Exhibit Number 7, an acknowledgement letter
22 from BLM dated November 17, 1987 also be marked but not
23 moved into evidence.

24 JUDGE LUTON: All right.

25 (Whereupon, the document was

1 identified as Ferguson Exhibit
2 Number 7 for identification.)

3 MR. MONAHAN: Again Ferguson Exhibit Number 8,
4 a copy of Petition For Leave To Amend filed by Ms.
5 Ferguson on October 23rd, 1987. We ask that it too be
6 marked for identification but we do not move it into
7 evidence.

8 (Whereupon, the document was
9 identified as Ferguson Exhibit
10 Number 8 for identification.)

11 MR. MONAHAN: And finally Ms. Ferguson that
12 Exhibit Number 9, a Motion For Summary Decision which
13 was granted by His Honor this morning, be marked as
14 Exhibit Number but not moved for admission into
15 evidence.

16 (Whereupon, the document was
17 identified as Ferguson Exhibit
18 Number 9 for identification.)

19 MR. MONAHAN: And then turning to the last
20 exhibit in the bound volume which is a one page document
21 entitled Auxiliary Power. Do you have that in front of
22 you, Ms. Ferguson?

23 THE WITNESS: Yes, I do.

24 BY MR. MONAHAN:

25 Q Is that statement your direct testimony

1 regarding your auxiliary power proposal?

2 A Yes, it is.

3 Q Is it true and correct?

4 A Yes, it is.

5 MR. MONAHAN: We move at this time for the
6 admission of Ferguson Exhibit Number 10.

7 JUDGE LUTON: Auxiliary Power. Objection?

8 MR. ALPERT: No.

9 JUDGE LUTON: It is received.

10 (Whereupon, the document was
11 marked as Ferguson Exhibit Number
12 10 and was received in evidence.)

13 MR. MONAHAN: Your Honor, we make available at
14 this time for cross examination Ms. Ferguson.

15 JUDGE LUTON: Mr. Friedman.

16 CROSS EXAMINATION

17 BY MR. FRIEDMAN:

18 Q Good afternoon, Ms. Ferguson. I'm Barry
19 Friedman, counsel for Richard P. Bott, II.

20 Ms. Ferguson, would you please tell us where
21 you presently reside?

22 A In Twin Falls, Idaho.

23 Q At what address?

24 A 168 Pearce Street.

25 Q Thank you. Ms. Ferguson, can you tell me when

1 was the first time you learned about the fact that the
2 FCC was allotting this channel at Blackfoot, Idaho?

3 A In the spring of '85.

4 Q And how did you learn about it?

5 A My husband discussed it with me.

6 Q And for the record, who is that individual?

7 A David N. Capps.

8 Q Would you spell it for the reporter?

9 A C-A-P-P-S.

10 Q At the time Mr. Capps told you about it, was
11 he your husband?

12 A No, we were not married.

13 Q Would you know the month approximately when
14 that event occurred?

15 A Maybe March. I'm not exactly sure which
16 month.

17 Q So that would be March of 1985?

18 A That's correct.

19 Q Thank you. Can you tell me what did Mr. Capps
20 tell you at that particular time concerning this
21 allotment?

22 A He told me that it was available and I had an
23 interest in applying for it.

24 Q Did he tell you you had an interest in
25 applying for it?

1 A No. He told me it was available and I
2 personally had an interest in applying for it.

3 Q What else did he tell you about it being
4 available?

5 A At the time he told me there was one available
6 in Blackfoot and also one in Baker. I was aware at the
7 time that the FCC looked favorably on female applicants.
8 Also I didn't have any broadcast interests and so it was
9 something that appealed to me.

10 Q Did you discuss with Mr. Capps the possibility
11 of both you and Mr. Capps applying for Blackfoot?

12 A No.

13 Q Ms. Ferguson, did there come a time when you
14 went to visit Blackfoot, Idaho?

15 A Yes.

16 Q Can you tell me about when that was?

17 A I've been in Blackfoot a number of times, but
18 prior to my filing I went down there.

19 Q So that would have been sometime between March
20 and July?

21 A Of '85?

22 Q Yes. You have to say the words because the
23 court reporter can't pick up nodding.

24 A Yes.

25 Q Did Mr. Capps accompany you on that visit?

1 A I don't recall.

2 Q There's a possibility he did?

3 A Yes, it's possible.

4 Q Did there come a time when an attorney and an
5 engineer were retained to carry out the application
6 filing for you?

7 A Yes.

8 Q Can you tell me when that was?

9 A Prior to filing I went early June to meet with
10 Dominic Monahan and retained him.

11 Q Is that the same Dominic Monahan who's sitting
12 here?

13 A Yes, that guy right there.

14 Q Okay. Very good. How did you know of Dominic
15 Monahan as someone to counsel you in this?

16 A He's been my husband's attorney for years and
17 he's done a great job for him.

18 Q What about an engineer? How did you select an
19 engineer?

20 A The same way. His name is Ben Dawson with
21 Dawson and Hatfield.

22 Q Ms. Ferguson, are you aware of the concept
23 with professional services that one asks for something
24 called a retainer?

25 A Yes, I am.

1 Q Do you know what a retainer is?

2 A Yes, I do.

3 Q Did there come a time when Mr. Monahan and/or
4 Mr. Ben Dawson requested a retainer from you?

5 A No.

6 Q Did there come a time when you volunteered a
7 retainer to them?

8 A No.

9 Q Did there come a time when you paid them an
10 initial sum of money to proceed with the work for you?

11 A No.

12 Q Have you ever paid them any money?

13 A Of course.

14 Q Okay. So there came a time when you paid them
15 something?

16 A Yes. Oh, I'm sorry. I heard your question a
17 little late.

18 Q So there came a time when you paid an initial
19 sum of money to Mr. Monahan and/or Mr. Dawson?

20 A Yes.

21 Q Can you tell me on what bank account those
22 sums were drawn?

23 A No, I can't. I think it was a joint account
24 however.

25 Q By joint account what do you understand that

1 to mean?

2 A An account that both of us have. We have a
3 number of different accounts.

4 Q But you have an account in which the names on
5 it are Clare Ferguson and David Capps?

6 A Yes.

7 Q And you drew checks on that joint account to
8 send to Mr. Monahan and to send to Mr. Dawson?

9 A I may not have personally done so but yes.

10 Q If you didn't did Mr. Capps do that?

11 A Probably not.

12 Q Then who would have written on that account?

13 A Probably Susan Carlson.

14 Q Would you spell her name.

15 A C-A-R-L-S-O-N.

16 Q And who is Susan Carlson?

17 A She's our office manager KBZJ radio.

18 Q And what do you mean when you say "our office
19 manager"?

20 A The radio station where I work.

21 Q Very good. Who would have directed Miss
22 Carlson to process those checks?

23 A She would have received it in the bills and
24 she would have paid that out of that account probably.
25 I'm a little vague because I didn't know that you would

1 ask me these kinds of questions so I don't have
2 specifically the answers.

3 Q Just answer whatever you know.

4 A Okay.

5 Q So the bills for the prosecution of this case
6 have come to the radio station. Is that correct?

7 A Not paid from the radio station however.

8 Q I see. But they might have been paid from an
9 account that an employee of the radio station had
10 authority to sign on?

11 A Yes.

12 Q Does Miss Carlson have the authority to sign
13 on your personal accounts?

14 A Yes.

15 Q And on the joint accounts between you and Mr.
16 Capps?

17 A On that one yes.

18 Q On that one. There are other joint accounts
19 where she doesn't have the authority?

20 A No. We have our individual accounts.

21 Q I see, but on joint accounts is what I asked
22 you.

23 A Yes.

24 Q Yes what?

25 A Yes, she would have the ability to sign on it.

1 Q On any joint account you and Mr. Capps have?

2 A Yes. There's only one.

3 Q Okay. Ms. Ferguson, did there come a time
4 when you came to Washington, D.C. as part of this
5 application process, a time prior to today?

6 A Yes. The first time I came with regard to
7 this was June of '85.

8 Q Did you come alone?

9 A No.

10 Q Who did you come with?

11 A My family.

12 Q And who would that be?

13 A My husband and my stepdaughter and my son.

14 Q Who did you visit?

15 A My family.

16 Q Did you visit Mr. Monahan?

17 A Yes, I did.

18 Q And did Mr. Capps accompany you?

19 A I believe he did and I think the kids did
20 also.

21 Q Okay. Let me preface this. I don't want to
22 get into any discussions of substance between you and
23 Mr. Monahan. I'm just asking as to form.

24 A Okay.

25 Q Did you and Mr. Monahan discuss the

1 preparation of the application?

2 A Yes.

3 Q Did Mr. Capps participate in those
4 discussions?

5 A I'm sure he did

6 Q Ms. Ferguson, do you know an individual named
7 Delan Stears? For the record, that's S-T-E-A-R-S.

8 A Yes, I do.

9 Q And who is Delan Stears?

10 A He's with the Bureau of Land Management in
11 Idaho Falls and Pocatello, Idaho.

12 Q Are you proposing to locate the antenna and
13 transmitter for your radio station on land owned by the
14 United States government and administered by the Bureau
15 of Land Management of the Interior Department?

16 A Yes, I am.

17 Q Was that the reason why you met with Mr.
18 Stears?

19 A No. Originally it was to find a site. The
20 BLM administers the property on Howard Mountain as well.

21 Q Did you initiate the meeting with Mr. Stears?

22 A The very first contact with Mr. Stears was
23 from my husband.

24 Q Mr. Capps?

25 A Yes. And subsequent contacts have been from

1 me.

2 Q Thank you. Subsequent to July of '85 when
3 your application was filed, have there been payments to
4 your attorney and your engineer?

5 A I don't know.

6 Q Now I'd like to return to the time you filed
7 the application. At the first time you got an idea of
8 the availability of this application, you were not
9 married to Mr. Capps. Is that correct?

10 A That's correct.

11 Q You were a divorced person at that time?

12 A Yes, I was.

13 Q And you had the support of a minor child?

14 A Yes.

15 Q And at that time you were an employee of the
16 radio stations in Twin Falls?

17 A That's correct.

18 Q Can you tell me at that time what your income
19 was?

20 MR. MONAHAN: Objection, Your Honor. What's
21 this got to do with this case?

22 MR. FRIEDMAN: I'm dealing with the contacts,
23 the involvement, between Ms. Ferguson and Mr. Capps to
24 determine who is the person involved here, who is
25 promoting this, whose income is being used.

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1 MR. MONAHAN: There is no undisclosed party
2 issue in this case.

3 MR. FRIEDMAN: I'm not raising one. I'm just
4 trying to attempt to find out whether it's her money or
5 his money being used for this purpose.

6 JUDGE LUTON: Ask her directly.

7 MR. FRIEDMAN: I was trying to lay the
8 predicate for it. I'd be glad to ask.

9 JUDGE LUTON: That to me would be a better
10 question than how much money were you earning? What was
11 her salary or income at the time? Ask the question
12 directly.

13 BY MR. FRIEDMAN:

14 Q What was your salary or income at the time?

15 JUDGE LUTON: No, you told me that you wanted
16 to know whose money was being spent.

17 MR. FRIEDMAN: Certainly I'll continue forward
18 with the thrust of that, Your Honor.

19 BY MR. FRIEDMAN:

20 Q Whose money was being spent in the pursuit of
21 this application from the time you first sent the
22 payments to Mr. Monahan and Mr. Dawson?

23 A It was our money.

24 Q Can you tell me between you and your husband
25 who is the principal wage earner in that family?

1 A I don't know how to answer that because we
2 take a certain amount of money out for salaries and it's
3 not designated who gets what.

4 Q Okay, I'll go on. Did there come a time when
5 you went to visit a banker to discuss the financing of
6 this proposal?

7 MR. MCNAHAN: Objection. There's no financial
8 issue here, Your Honor.

9 MR. FRIEDMAN: I didn't discuss financing.

10 JUDGE LUTON: Overruled. Did you come a time
11 when you went to see a banker about a proposal?

12 THE WITNESS: Yes.

13 BY MR. FRIEDMAN:

14 Q Did you make the appointment to see him?

15 A Which time?

16 Q The first time?

17 A No, David did.

18 Q Did Mr. Capps visit the banker?

19 A Yes, he did.

20 Q And who was the banker?

21 A Chuck Potter from Twin Falls Bank and Trust.

22 Q And then there came a time you went to visit
23 Mr. Potter?

24 A That's correct.

25 Q Did you pursue with Twin Falls Bank and Trust